
In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 11.9.2006.

Yog Raj

.... Petitioner.

VS

Numaligarh Refinery Limited and another

... Respondents.

Coram Hon'ble Ms. Justice Kiran Anand Lall.

Present: Mr.Mohinder Singh,Advocate for
 Mr.G.S.Hooda,Advocate,for the petitioner.

Kiran Anand Lall, J.

The interim relief claimed by the petitioner in the suit was that respondent no.1 herein (defendant no.1) be restrained from committing the illegal act of opening a petrol pump within 5 kms of his (of petitioner's) petrol pump, during the pendency of the suit.

The trial court declined the relief to the petitioner mainly due to the fact that since his application for issuance of “No Objection Certificate” (for short “NOC”) was still pending with respondent no.2 and the matter was being inquired into, no injunction could be granted for restraining respondent no.2 from issuing such certificate as per rules. The court also took into consideration the averment of respondent no.1 in the written statement that he had no intention to violate any law and he would install the petrol pump, only after getting NOC from the District Collector and the Forest Department.

The appellate court has also upheld the order of the trial court. No doubt, in para no.3 of its order, it finds mention that, “no objection certificate has already been obtained on 6.2.2006”, but in response to a query made by this court, learned counsel points out that this observation is

against facts, as no such certificate has been issued so far and application moved by respondent no.1 for the purpose is still pending with respondent no.2.

In view of the above, no case for interference with the orders of the courts below at the hands of this court, in exercise of extra-ordinary jurisdiction under Article 227 of the Constitution of India, is made out, as the relief claimed by the petitioner is pre-mature and, as rightly observed by the trial court, no injunction can be granted to respondent no.2 from issuing NOC as per rules.

The petition shall resultantly stand dismissed, in limine.

11.9.2006.
vs.

(Kiran Anand Lall)
Judge.